

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JASON CAMACHO AND ON BEHALF OF :
ALL OTHER PERSONS SIMILARLY : Civil Action No. 1:18-cv-10700-ER
SITUATED, :
: Plaintiff, :
v. :
: Rider University, :
: Defendant. :
----- X

DECLARATION OF JOHN W. EGAN

1. I am a Partner of the law firm Seyfarth Shaw LLP, counsel for Defendant Rider University (“Rider”) in the above action. I am over the age of eighteen and have personal knowledge of the facts contained in this declaration. I submit this declaration in support of Rider’s Motion to Dismiss.

2. A copy of the Complaint in the above-captioned action dated November 15, 2018 is annexed hereto as **Exhibit “A.”** (ECF No. 1.)

3. A copy of the First Amended Complaint in the above-captioned action dated March 21, 2019 is annexed hereto as **Exhibit “B.”** (ECF No. 19.) This amendment followed a pre-motion conference held on March 12, 2019 in a similar website accessibility action that Plaintiff commenced against another out-of-state institution of higher learning entitled, *Camacho v. Point Park Univ.*, 1:18-cv-10887-JGK (S.D.N.Y.). There, as in the matter at hand, the defendant, which is also represented by the undersigned, initiated the process for seeking dismissal of the action based on the absence of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2).

4. A mark-up reflecting revisions in the Amended Complaint, compared with the original Complaint is annexed hereto as **Exhibit “C.”**

5. A copy of the Complaint filed in the action entitled, *Sullivan, Jr. v. BH Media Group, Inc.*, 1:17-cv-08139-GBD (S.D.N.Y.) (“*BH Media*”), dated October 23, 2017 (ECF No. 1), is annexed hereto as **Exhibit “D.”**

6. The transcript of the hearing held by the District Court in *BH Media* on May 15, 2018 is annexed hereto as **Exhibit “E.”** (ECF No. 24.)

7. The Order of Dismissal in *BH Media* is annexed hereto as **Exhibit “F.”** (ECF No. 22.)

8. A copy of the Amicus Curiae brief filed by the Department of Justice in the action entitled, *Magee v. Coca-Cola Refreshments USA, Inc.*, 833 F.3d 530 (5th Cir. 2016), cert. denied, 138 S. Ct. 55, 199 L. Ed. 2d 18 (2017), is annexed hereto as **Exhibit “G.”**

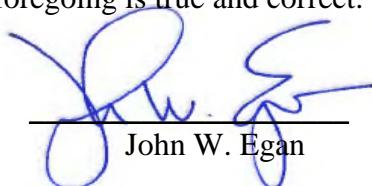
9. A copy of *Mendez v. Apple, Inc.*, 18-cv-07550-LAP (S.D.N.Y.) (“*Mendez*”), dated March 28, 2019 (ECF No. 25), is annexed hereto as **Exhibit “H.”**

10. A copy of *Diaz v. The Kroger Co.*, 18-cv-07953-KPF (S.D.N.Y.) (“*Diaz*”), dated June 6, 2019 (ECF No. 35), is annexed hereto as **Exhibit “I.”**

11. The transcript of the Initial Pretrial and Pre-Motion Conferences held before Judge Edgardo Ramos on May 22, 2019 in *Camacho v. Emerson College*, Case No.: 1:18-cv-10600-ER (S.D.N.Y.); *Camacho v. Northeastern University*, Case No.: 1:18-cv-10693-ER (S.D.N.Y.); and *Camacho v. Rider University*, Case No.: 1:18-cv-10700-ER (S.D.N.Y.), is annexed hereto as **Exhibit “J.”**

I declare under penalty of perjury that the foregoing is true and correct.

June 14, 2019



John W. Egan